

Docket + File

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UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

In re THE RESERVE FUND SECURITIES AND DERIVATIVE LITIGATION	09 MD. 2011 (PGG)
SECURITIES AND EXCHANGE COMMISSION, Plaintiff, v. RESERVE MANAGEMENT COMPANY, INC., RESRV PARTNERS, INC., BRUCE BENT SR., and BRUCE BENT II, Defendants, and THE RESERVE PRIMARY FUND, Relief Defendant.	ECF CASE <u>VERDICT FORM</u> 09 Civ. 4346 (PGG)

First Claim for Relief

1. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II knowingly or recklessly violated Section 10(b) of the Securities Exchange Act and Rule 10b-5?

a. RMCI:

Yes _____

No _____

☒

b. Resrv Partners:

Yes _____

No _____

☒

c. Bent II:

Yes _____

No _____

☒

If you answered "Yes" to any part of Question 1, please proceed to Question 2. If you answered "No" to all parts of Question 1, please proceed to Question 6.

2. Has the SEC proven by a preponderance of the evidence that Bent Sr. knowingly aided and abetted Bent II's, RMCI's, or Resrv Partners' violation of Section 10(b) and Rule 10b-5?

Yes _____ No _____

If you answered "Yes" to Question 1 as to RMCI or Resrv Partners, please proceed to Question 3. If you answered "No" to Question 1 as to both RMCI and Resrv Partners, please proceed to Question 6.

3. Has the SEC proven by a preponderance of the evidence that Bent II knowingly aided and abetted RMCI's or Resrv Partners' violation of Section 10(b) and Rule 10b-5?

Yes _____ No _____

Second Claim for Relief

If you answered "Yes" to Question 1 as to RMCI please proceed to Question 4. If you answered "No" to Question 1 as to RMCI, please proceed to Question 6.

4. Has the SEC proven by a preponderance of the evidence that Bent Sr. or Bent II were "control persons" of RMCI under Section 20(a) of the Securities Exchange Act and culpably participated in RMCI's violation of Section 10(b) and Rule 10b-5?

a. Bent Sr:

Yes _____ No _____

b. Bent II:

Yes _____ No _____

If you answered "Yes" to Question 4 as to Bent Sr. or Bent II please proceed to Question 5. If you answered "No" to Question 4 as to both Bent Sr. and Bent II, please proceed to Question 6.

5. Has Bent Sr. or Bent II proven his good faith defense by a preponderance of the evidence under Section 20(a) of the Securities Exchange Act?

a. Bent Sr:

Yes _____ No _____

b. Bent II:

Yes _____ No _____

Third Claim for Relief

6. Has the SEC proven by a preponderance of the evidence that RMCI, Resrv Partners, or Bent II knowingly or recklessly violated Section 17(a)(1) of the Securities Act?

a. RMCI:

Yes _____ No ✓

b. Resrv Partners:

Yes _____ No ✓

c. Bent II:

Yes _____ No ✓

7. Has the SEC proven by a preponderance of the evidence that RMCI, Resrv Partners, or Bent II knowingly or recklessly violated Section 17(a)(2) or (3) of the Securities Act?

a. RMCI:

Yes ✓ No _____

b. Resrv Partners:

Yes ✓ No _____

c. Bent II:

Yes _____ No ✓

If you answered "Yes" to all parts of Question 7, please proceed to Question 9. If you answered "No" to any part of Question 7, please proceed to Question 8.

8. Has the SEC proven by a preponderance of the evidence that RMCI, Resrv Partners, or Bent II negligently violated Section 17(a)(2) or (3) of the Securities Act?

a. RMCI:

Yes

No

✓

b. Resrv Partners:

Yes

No

✓

c. Bent II:

Yes

✓

No

Fourth Claim for Relief

9. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II knowingly or recklessly violated Section 206(1) of the Investment Advisers Act?

a. RMCI:

Yes

No

✓

b. Bent Sr.:

Yes

No

✓

c. Bent II:

Yes

No

✓

10. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II knowingly or recklessly violated Section 206(2) of the Investment Advisers Act?

a. RMCI:

Yes

No

✓

b. Bent Sr.:

Yes

No

✓

c. Bent II:

Yes

No



If you answered "Yes" to all parts of Question 10, please proceed to Question 12. If you answered "No" to any part of Question 10, please proceed to Question 11.

11. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II negligently violated Section 206(2) of the Investment Advisers Act?

a. RMCI:

Yes

No



b. Bent Sr.:

Yes

No



c. Bent II:

Yes

No



If you answered "Yes" to Question 10 or 11 as to RMCI, please proceed to Question 12. If you answered "No" to Question 10 and 11 as to RMCI please proceed to Question 13.

Sixth Claim for Relief

12. Has the SEC proven by a preponderance of the evidence that Bent Sr. or Bent II knowingly or recklessly aided and abetted RMCI's violation of Section 206(1) or (2) of the Investment Advisers Act?

a. Bent Sr.:

Yes

No



b. Bent II:

Yes

No



Fifth Claim for Relief

13. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II knowingly or recklessly violated Section 206(4) of the Investment Advisers Act and Rule 206(4)-8?

- a. RMCI:
 Yes ✓ No
- b. Bent Sr.:
 Yes No ✓
- c. Bent II:
 Yes No ✓

If you answered "Yes" to all parts of Question 13, please proceed to Question 15. If you answered "No" to any part of Question 13, please proceed to Question 14.

14. Has the SEC proven by a preponderance of the evidence that RMCI, Bent Sr., or Bent II, negligently violated Section 206(4) of the Investment Advisers Act and Rule 206(4)-8?

- a. RMCI:
 Yes No ✓
- b. Bent Sr.:
 Yes No ✓
- c. Bent II:
 Yes No ✓

If you answered "Yes" to Question 13 or 14 as to RMCI, please proceed to Question 15. If you answered "No" to Question 13 and 14 as to RMCI please proceed to sign and date this form.

Seventh Claim for Relief

15. Has the SEC proven by a preponderance of the evidence that Bent Sr. or Bent II knowingly or recklessly aided and abetted RMCI's violation of Section 206(4) of the Investment Advisers Act and Rule 206(4)-8?

- a. Bent Sr.:
 Yes No ✓

b. Bent II:

Yes

No

✓

Henry Jones
Signature of Foreperson

November 12, 2012.